coaches or compartments for the accommodation of the white and negro races, equal in all points of comfort and convenience, is reported as McCabe *v.* Atchison, T. & S. F. Ry. Co., 186 Federal Reporter, 966. The argument is made that the act violates the fourteenth amendment of the Constitution of the United States, in that the enforced separation of the negro race from the white race abridges the privileges and immunities of the former, and denies to it the equal protection of the laws. The court (Circuit Court of Appeals, Eighth Circuit) holds that this is not an open question, for it has been held that such laws do not necessarily imply the inferiority of either race to the other, and are recognized as within the competency of the state legislature in the exercise of their police power. But it is next contended that the carriers operate under this law unevenly and oppressively to the negro race, and by their interpretation and execution of its provisions demonstrate that it is discriminating. The court answers that such interpretation and application by private citizens can have no effect because, if the reverse were true, lawbreakers might, by their continued violation of a law, convert their own lawlessness into law, and the lawbreaker and not the lawmaker might become its final interpreter. One special feature of the act which it is contended is in itself discriminatory provides that railroads are not prohibited from hauling sleeping cars, dining or chair cars to be used exclusively by either whites or negroes, separately, but not jointly. The court replies that such cars are, comparatively speaking, luxuries, and since the ability of the two races to indulge in luxuries, comforts, and conveniences is so dissimilar, a provision by which carriers might supply them for the exclusive use of either race, as circumstances dictate, makes no more discrimination against one race than the other. The statute is held constitutional. In a separate opinion, Judge Sanborn vigorously dissents from the majority of the court.

Playing for Drinks Is Gaming.—Old John Barleycorn brings more victims to grief, as evidenced by the case or Twilley *v.* State, 71 Southeastern Reporter, 587. Down in Hancock county, Ga., where the law against gaming and selling intoxicating liquors is most vigorously enforced, Tom Twilley one day was peacefully working in his shop, when he was visited by three "good fellows," who proposed that he leave his business and go with them to a police-forsaken spot, where they would engage in an innocent game of cards. One of them had a bottle of whisky (an article of great value in that vicinity), which he offered as the tempting stake. So they started, and in selecting a convenient place went to an old Catholic cemetery, where they could remain unmolested. The headboard of a grave was used for a table, and the game progressed. However,

regardless of the extreme caution which they had used, Fate played against them, for there soon appeared on the scene the most unwelcome of all callers, to wit, the town marshal. The arm of the law proceeded to gather them into the fold; all were indicted for gaming; Twilley was convicted, and appeals. The Court of Appeals of Georgia holds that the offense constitutes gaming, for the evidence showed that there was something more in the way of temptation than the mere playing of an innocent game of cards. The drinks furnished the inducement, and the court refuses to believe, in view of the great value of whisky in Hancock county, that any one of the players possessed sufficient generosity to furnish the stake gratuitously. The court remarks: "Apparently the law against gaming, as well as against the sale of liquor, is most vigorously enforced in Hancock county * * * when the citizens of the town are compelled to resort to the cemetery to play cards for drinks, and when, even in that secluded spot, they don't have a ghost of a chance."

A Warning to Lawyers.—Judge Furman, of the Criminal Court of Appeals of Oklahoma, in Crawford *v.* Ferguson, 115 Pacific Reporter, gives the following warning to Oklahoma attorneys: "In every volume of our published reports we have announced that lawyers should try their cases upon their actual merits, and should act with perfect fairness toward the courts and opposing counsel. We now go further, and give 'fair warning' that, if there are any members of the profession in Oklahoma who are not disposed to heed this friendly admonition, they will consult their own interest by removing from the state, if they desire to escape disbarment proceedings and keep out of the penitentiary. No lawyer will be permitted to enjoy any benefits arising from illegal or unfair conduct on his part, if we can possibly prevent it. We earnestly request all trial judges in the state to rigidly pursue the same course, it matters not who the attorneys may be. Some lawyers act as though they thought that because Oklahoma is a new state that they can act as they please, and that any kind of conduct will be tolerated. In this they are greatly mistaken, as some of them will discover to their sorrow. A tricky and dishonest lawyer is a most dangerous member of society, and he brings the profession into disrepute. Law is an honorable profession, and most of the lawyers are honorable men, and it is the duty of the courts to protect society and the profession itself against unworthy men."